REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-13, 16-27 and 35 are pending in the application, with claims 1, 9, 19, 27 and 35 being independent. Claims 27 and 35 are currently amended with support found in the original disclosure. Claims 28-34 and 36-40 are currently canceled with the subject matter recited therein incorporated into independent claim 27 and claim 35, respectively. No new matter has been added. Favorable consideration is respectfully requested.

Cited References

The following references have been applied to reject one or more claims of the Application:

Combs: Combs et al., U.S. Patent No. 6,766,348

Hadi: Hadi, U.S. Publication No. 2004/0148363

§103(a) Rejection

Claims 1-13, 16-30 and 35-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Combs in view of Hadi. The Office provides that "[c]laims 31-34 and 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten independent form including all of the limitations of the base claim and any intervening claims," (Office Action, pg. 13). As mentioned previously, Applicant has canceled claims 31-34 and 39-40 and has incorporated the respective subject matter recited therein into

independent claims 27 and 35. Thus, Applicant respectfully submits that these claims are in condition for allowance and will address only the remaining claims hererinbelow. Based on the following, Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn.

Independent **claims 1, 9, and 19** are reproduced below, in pertinent part, as follows (with emphasis added):

> 1. …. a computing system having **a decentralized operating system unifying and orchestrating one or more services and resources represented as services executing on the computing system**, the decentralized operating system comprising a process kernel and a distributing kernel…

> 9. ….wherein further at least one at least one of the resources from the second set of resources being represented as services from the second set of services **is unified to and orchestrated by the first process kernel of the first decentralized operating system**…

> 19. …a **decentralized operating system unifying and orchestrating services and resources**….

The cited combination of Combs and Hadi do not teach or suggest the features of these independent claims. The first cited reference, Combs, discloses techniques for load-balancing data exchange in a network-based resource allocation, (Combs, Abstract). As provided in Fig. 5 of Combs, the resource allocator system comprises a number of resource allocator system agents ("RASAs") 502-504. RASAs run on any number of computers connected to the network, and multiple RASAs may run on the same computer, (Combs, col. 4, lines 1-15). The RASAs communicate with each other using the resource allocator system protocol ("RASPs") 505-507, (Combs, col. 4, lines 35-38). The RASP provides an additional interface within the resource allocator system that allows each RASA to synchronize its database and its

allocation and management activities with those of the other RASAs within the resource allocator handling system ("RAHS"), (Combs, col. 5, line 64 – col. 6 line 6).

Furthermore, Combs provides:

> An example of an indirect interaction between a user and the RAHS is the interaction between user 401 and the resource allocator system 405. The indirect remote access agent user ("RAAU") 406 and a remote access agent system ("RAAS") 407. These two components serve to package RA-API calls and returned data into RAAP messages and to transport the RAAP messages over the computer network.
>
> (Combs, col. 5, line 41-49).
>
> The RAAU 406 in FIG. 4 may run as a separate process in a computer, as shown in FIG. 7. The application program 701 communicates with the RAAS 703 using the RA-API. The RAAU in turn makes operating system system [sic] calls in order to package and send RA-API requests to a RAAS on a remote computer using the RAAP. The RAAU packages a RA-API call, along with its arguments, into a data message and passes that data message to the operating system. A subroutine or subprocess within the operating system responsible for network transport 704 further processes and packages the data message in accordance with a lower level network transport protocol. The message is then queued in memory to a very low-level operating system process called a device driver that is responsible for interacting with the network controller to actually send the packaged message over the physical data transmission network. The RAAU may also be implemented as a set of library functions that are linked to the application program, and therefore, together with the application program, constitute a single executable process on a computer.
>
> (Combs, col. 7, lines 18-38).

As exemplified by these excerpts, the RAAU's relationship to the operating system is such that data messages are packaged and sent from the RAAU to the operating system for further processing. In other words, Combs does not teach or suggest a decentralized operating system, much less a decentralized operating system unifying and orchestrating one or more

services and resources represented as services executing on the computing system and incorporating a process kernel and a distributing kernel. Indeed, the operating system discussed in Combs is restricted to the following:

> The operating system 702 is a collection of programs that provide services to application programs through the operating system call interface. The operating system call interface provides to an application program functions that the application program can invoke to read and write data to and from the hard disk, transmit data over physical data transmission networks to remote computers, print files on a printer, and other such tasks. In addition, the operating system provides and maintains a 15 program execution environment on a computer that allows for application programs and other intermediate processes to execute in a coordinated fashion.

> (Combs, col. 7, lines 7-18).

The above excerpt merely describes nothing more than the prior operating systems discussed in Applicant's instant application. Accordingly, Combs fails to teach or suggest, at least, a decentralized operating system as defined in claims 1, 9 and 19. Rather, Applicant respectfully submits that Combs is silent with respect to the foregoing. Indeed, the Office's cited portion to Combs purportedly teaching the aforementioned features merely describes the resource allocator system 501 (Combs, col. 5, line 64 – col. 6, line 37) featured above in Applicant's discussion. But, as provided above, the resource allocator system works in conjunction with an operating system, rather than acting as an operating system.

It is further submitted that Hadi does not compensate for the aforementioned deficiency of Combs, relative to claims 1, 9 and 19 nor does the standing rejection advance any argument to that effect. Hadi discloses a technique for performing last mile computing for delivering subscription based multimedia computing, (Hadi, Abstract).

Therefore, it is respectfully submitted that Combs and Hadi, alone or in combination, fail to teach or suggest the features of claims 1, 9, and 19. Based on the foregoing, Applicant respectfully submits that the pending claims are patentable over Combs and Hadi.

Furthermore, the remainder of the presently rejected claims depend from one of the aforementioned of independent claims and therefore are also patentable over the proposed combination of references by virtue of, at least, their respective dependencies. Applicant also respectfully requests individual consideration for each dependent claim.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that claims 1-13, 16-27 and 35 are in condition for allowance and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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